

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

|                          |   |                              |
|--------------------------|---|------------------------------|
| EARL SAMUEL WORTHY,      | } |                              |
|                          | } |                              |
| Plaintiff,               | } |                              |
| v.                       | } | Civil Action No. 05-368 Erie |
|                          | } |                              |
| GOVERNOR EDWARD RENDELL, | } |                              |
| <i>et al.</i> ,          | } |                              |
|                          | } |                              |
| Defendants.              | } |                              |

**JUDGMENT ORDER**

\_\_\_\_\_ Plaintiff's civil rights complaint was received by the Clerk of Court on December 19, 2005 and was referred to Chief United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The chief magistrate judge's report and recommendation, filed on July 23, 2007 [41], recommends that the Defendants' motion for summary judgment [32] be granted. The parties were allowed ten (10) days from the date of service to file objections. Service was made on Plaintiff by certified mail at SCI Houtzdale, where he is incarcerated, and on the Defendants. Plaintiff sought an extension of time in which to file objections and was granted an enlargement of time until September 10, 2007, but failed to file any objections within that time period. After de novo review of the complaint and documents in the case, together with the report and recommendation, the following order is entered:

AND NOW, this 14<sup>th</sup> Day of September, 2007;

IT IS HEREBY ORDERED that the Defendants' motion for summary judgment [32] be and hereby is GRANTED. JUDGMENT is hereby entered in favor of the Defendants and against Plaintiff Earl Samuel Worthy.

The report and recommendation of Chief Magistrate Judge Baxter, dated July 23, 2007 [41], is adopted as the opinion of this Court.

s/ SEAN J. McLAUGHLIN

Sean J. McLaughlin  
United States District Judge

cm: all parties of record  
Chief U.S. Magistrate Judge Baxter